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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/787,300	<b>Applicant(s)</b> RAO ET AL.
	<b>Examiner</b> SHANTELL HEIBER	<b>Art Unit</b> 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 October 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4,6-8,11-14,16 and 18-24 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4,6-8,11-14,16 and 18-24 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 27 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No./Mail Date 12/3/08

4) Interview Summary (PTO-413)  
Paper No./Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed on October 22, 2008 have been fully considered but they are not persuasive.
2. The applicant argues that ***On page 2 of the Official Action, the Examiner notes that in Noel the cai1 originator selects the participants and their identities are stored in the network. However, the identity of the user device is not part of the requesting message sent to the current speaker in Noel.*** The examiner respectfully disagrees.
3. Noel discloses after the participants for the call, sometimes referred to as a call group, are selected, their identities are then transmitted to the PTT server 140 for storage until needed. As the call progresses, a participant (**first user device**) may want to speak while another participant (**second user device**) is currently speaking. The participant wanting to speak sends a request to speak by making the proper selection (**transmits a TCRM**). After the request is received, the PTT server 140 compares the assigned priority level of the call participant initiating the request with the assigned priority level of the current speaker (240) (**It is clear that the PTT server use the identities in order to locate and compare assigned priority levels of the call participant initiating the request and the current speaker, therefore, making it also clear that the PTT server must have received the identity of the called participant in order for determining their identity needed for searching in storage for comparing**)(**The comparing step is done after the PTT server receives the request**

**from the call participant and because the identities are used for searching the storage used for comparing, it is clear that the identity of the call participant is included in the request).** If the call participant initiating the request has a lower priority level than that of the current speaker, the call participant initiating the request is placed in a queue in the PTT server 140 and assigned a queue order based on their predetermined level of priority (250). A message is then sent to the mobile device 110 of the requestor by the PTT server 140. **(In order for the PTT server to send a message to the mobile device of the requestor, the PTT server must have received some identity of the mobile device for identifying who and where to send the message)** The message preferably displays the queue position of the call participant initiating the request (260). If the call participant initiating the request has a higher priority level than that of the current speaker, a message is sent by the PTT server 140 to each mobile device 110 or select mobile devices indicating a change in speaker is set to occur (270) **(The PTT server must have received the identity of the call participant initiating the request in order to determine who is the requestor with the higher priority level and who is not for sending a message to each mobile device or select mobile devices for indicating a change in speaker)**. See paragraphs [0021] and [0022].

4. The applicant argues that ***the passage of Forssell referred to by the Examiner describes only communication between a mobile station and a network. It nowhere refers to a second user device. Applicant respectfully submits that the combination of Noel and Forssell does not teach all the limitations recited in***

***claim 1. Furthermore, the Examiner has failed to explain why the missing limitations would be obvious to one skilled in the art.***

5. Noel discloses the participants for the call are selected, their identities are then transmitted to the PTT server 140 for storage until needed. The call originator assigns each participant a priority level (420). A priority level is a designation which indicates a participant's relative importance to a call. Each participant's priority level is then transmitted to the PTT server 140. **(As stated above, the participant's priority level is located by using the participant's identity, qualifier flag, received in the request)** A call participant typically uses an interrupt button to request the ability to speak where the call participant has an urgent matter to discuss. Once the interrupt button is pressed, the PTT server 140 sends a message to the current speaker that one of the call participants wants to interrupt the call on an urgent basis (450). After the message is received by the mobile device 110 of the current speaker, the current speaker has the option of allowing the call participant initiating the request to speak or placing the call participant into the queue (460). If the call participant is not granted the ability to speak, that is transmit her speech to the others, then the caller is placed in the queue to await her turn based on the assigned priority level **(The priority level which is determined by the participant's identity is used as a value of the participant's identity, qualifier flag, for performing extended functionality)**. See paragraphs [0024] and [0025]. Although, Noel discloses receiving the participant's identity (read on qualifier flag) included in the request, Noel does not specifically mention receiving a qualifier flag and performing extended functionality in response to a value of the qualifier

flag. Therefore, Forssell disclose a mobile station indicates to the network that it requires radio resources for delay sensitive data transfer. The network needs the information in order to assign sufficient radio resources for the mobile station to provide the required service level. The mobile station sends a priority field (*qualifier flag*) or other field is included in the radio resource request message, such as a packet channel request (*TCRM*) (**The priority field or qualifier flag is information needed in order to assign radio resources for the mobile station**). See Column 9, lines 11-44. Forssell discloses receiving a qualifier flag and performing extended functionality in response to a value of the qualifier flag, the limitation of which is not specifically mentioned in Noel.

1. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to a person of ordinary skill in the art to transfer information in a packet radio service allowing sufficient radio resources for the mobile station (Forssell) further allowing for an organized and efficient call (Noel).

1. The combination of Noel and Forssell disclose all limitations as described in amended Claims 1, 12 and 21-24.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3 and 6-8, 11-14, 16, and 18-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Noel et al. (Noel), U.S. Publication No. 2005/0032539 in view of Forssell et al. (Forssell), U.S. Patent No. 6,671,511.

**Regarding Claims 1, 12 and 21-24,** Noel discloses a method, a user device, a network, a system and a memory of messaging during an active half-duplex session between a plurality of user devices capable of half-duplex voice functionality (**PTT calls use a half-duplex communications system and therefore, only one person can have the ability to speak at a time; [0004]**), the method, the user device, the network, a system and a memory comprising: a first user device (**requestor of mobile device**) of said plurality of user devices (**participants of mobile devices**) while in a receiving in half-duplex (RHD) mode for an active half-duplex session (**the call begins when the call originator presses the appropriate button, e.g., a PTT button, on a wireless phone and begins speaking**), transmitting a transmit channel request message (TCRM) to a network (**130**), the TCRM indicating a request from the user device to transmit on the transmit channel (**as the call progresses, a participant may**

want to speak while another participant is currently speaking. The participant wanting to speak sends a request (TCRM) to speak; the network (130) forwarding the TCRM (if the call participant initiating the request has a higher priority level than that of the current speaker, a message is sent to each mobile device) to a second user device (current speaker of mobile device) of said plurality of user devices (participants of mobile devices) while the second user device is in a transmitting in half-duplex (THD) mode for the active half-duplex session, the TCRM including an identification of the first user device; and the second user device (current speaker of mobile device) receiving the TCRM (if the call participant initiating the request has a higher priority level than that of the current speaker, a message is sent to each mobile device). See paragraphs [0019]-[0022].

Noel fails to specifically mention receiving a qualifier flag and performing extended functionality in response to a value of the qualifier flag.

In a similar field of endeavor, Forssell disclose a method and arrangement for transferring information in a packet radio service. Forssell further disclose receiving a qualifier flag and performing extended functionality in response to a value of the qualifier flag. (A mobile station indicates to the network that it requires radio resources for delay sensitive data transfer. The network needs the information in order to assign sufficient radio resources for the mobile station to provide the required service level. The mobile station sends a priority field (*qualifier flag*) or other field is included in the radio resource request message, such as a packet channel request (TCRM)). See Column 9, lines 11-44.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to transfer information in a packet radio service allowing sufficient radio resources for the mobile station (Forssell) further allowing for an organized and efficient call (Noel).

**Regarding Claims 2 and 13**, Noel and Forssell disclose wherein each user device of the plurality of user devices is a wireless device (**Noel-the mobile device 110 is shown in Figure 1 as a wireless phone; [0019]**).

**Regarding Claims 3 and 12**, Noel and Forssell disclose further comprising the first user device locally receiving a request to transmit the TCRM (**Noel-the participant wanting to speak sends a request to speak by making the proper selection. This typically accomplished using the push to talk button on mobile device; [0022]**).

**Regarding Claim 16**, Noel and Forssell disclose wherein the outgoing TCRM comprises an identification of the user device. (**Noel-after the participants for the call, call group, are selected, their identities and priority level are transmitted to the PTT server 140 for storage. This information is compared and used by the PTT server for determining if the requestor can be granted the ability to speak; [0021] and [0022]**).

**Regarding Claims 6 and 12**, Noel and Forssell disclose further comprising: the second user device in response to receiving the TCRM generating a user-detectable notification indicating the second user device has received the TCRM (**Noel-when the change of speaker message is sent, the current speaker loses the ability to transmit her speech; [0022]**).

**Regarding Claim 7**, Noel and Forssell disclose further comprising: the second user device generating user-detectable notification indicative of the identification of the first user device (**see rejections for claim 6**).

**Regarding Claim 8**, Noel and Forssell disclose further comprising: the network, upon receiving the TCRM from the first user device, determining a talk group the first user device is participating in, determining another user device in the talk group that is in THD mode, which another user device is said second user device (**see rejection for claim 1**).

**Regarding Claims 11, 18 and 20**, Noel and Forssell disclose wherein the extended functionality comprises at least one functionality selected from the group consisting of: a) registering a continuing transmit channel request at the THD device; b) canceling a transmit channel request at the THD device; and c) performing automatic release of the transmit channel by the THD device (**Noel-if the priority level is a higher priority than that of the current speaker then a message is sent to each mobile device indicating a change in speaker is set to occur. The requestor is granted the ability to speak; [0022]**).

**Regarding Claim 14**, Noel and Forssell disclose wherein the active half-duplex session is a push-to-talk.TM (**the mobile device has a push to talk button**) half-duplex voice communication session **Noel-[0004] and [0022]**.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noel and Forssell in view of Stubbs, U.S. Patent No. 6,930,994.

**Regarding Claim 4**, Noel and Forssell disclose wherein the half-duplex session is a voice communication session as described above.

Noel and Forssell fails to specifically disclose wherein the half-duplex session is a voice communication session compliant with at least one system selected from the group of iDEN.TM., 1XRTT CDMA, GSM/GPRS, UMTS, and TDMA.

In a similar field of endeavor, Stubbs discloses a dynamic allocation of radio resources in a packet switched communications system. Stubbs further discloses wherein the half-duplex session is a voice communication session compliant with at least one system selected from the group of iDEN.TM., 1XRTT CDMA, GSM/GPRS, UMTS, and TDMA (**Abstract**).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide a half-duplex video conferencing call between two parties or in a dispatch mode between groups of call participants wherein operable in both a GPRS virtual connection mode and a conventional circuit-switched mode (Stubbs-Col. 12, lines 20-23 and lines 32-38) for further allowing efficient and organized queuing of call participants (Noel).

#### **Conclusion**

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Metais et al., U.S. Patent No. 7,136,663 discloses a method for controlling a communications channel shared by several stations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantell Heiber whose telephone number is (571)272-0886. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business

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Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. H./  
Examiner, Art Unit 2617  
January 2, 2009

/Lester Kincaid/  
Supervisory Patent Examiner, Art Unit 2617